

**REMARKS**

Currently pending in the application are Claims 34-114 and 116-137, of which Claims 106-114 and 116-120 have been allowed, claims 37, 38, 50, 69, 75-77 and 102 have been objected to, and claims 34-36, 39-49, 51-68, 70-74, 78-101, 103-105 and 121-137 have been rejected. The independent claims in this application are 34, 57, 87, 106, 116, 117 and 121.

Independent claim 106, and its dependent claims 107-114, were indicated as being allowed in the Office Action Summary, but claim 106 was indicated as being rejected in the Detailed Action. The Examiner advised that the Office Action Summary was correct and that claim 106 had been allowed.

With respect to independent claims 34, 57, 87 and 121, these claims have been amended to specify that the invention is for use with a structure, and that the safety condition detected is with respect to the structure. The specification states "the term "structure" includes without limitation, residences, nursing homes, apartments, dormitories, hospitals, hotels, schools, offices, or other buildings inhabited by people and/or animals." (U.S. Patent Application publication no. US20040145465A1: Page 1, Col. 2, Paragraph 0011.)

As discussed with the Examiner, the art cited (Bevan, Kleinberg) in the subject Office Action is for detecting a safety condition of a human operator (drowsiness, inattentiveness), not a safety condition with respect to a structure (smoke, fire, carbon monoxide, etc.). Further, the cited art attempts to determine when the human operator is falling asleep and to prevent that from occurring, that is, the cited art presumes that the human operator is supposed to be awake and attentive, and that drowsiness and inattentiveness are dangerous things which must be immediately corrected. In the claimed invention, however, it is probable, but not required, that the endangered human may be drowsy, inattentive, or even already asleep, all of which are acceptable conditions and are not safety conditions, but the endangered human does need to be awakened and/or alerted to some dangerous condition (fire, smoke, carbon monoxide, etc.).

In that cited art (Bevan, Kleinberg), awakening of the human operator by the alarm is all that is required or desired, that is, awakening the human operator abates the detected safety condition (drowsiness or inattentiveness of the human operator).

Conversely, in the claimed invention, alerting the endangered human does not abate the safety condition and has no effect on the safety condition, that is, the fire, smoke, carbon monoxide, etc. condition will still exist.

In the other cited art (Byon), the system attempts to detect if a moving vehicle is about to collide with an object, alerts the human operator of the safety condition (imminent collision), and then attempts to abate the safety condition (deceleration and/or braking) if the human operator does not react. However, one attempting to determine how to alert an occupant of a building that there is a safety condition would not be motivated to look at art disclosing how to detect or prevent a moving vehicle from colliding with an object.

Further, in the prior art (Bevan, Kleinberg, Byon), the motion detector is in critical use before the alarm is transmitted and, actually, triggers the transmission of the alarm by detecting the safety condition (imminent collision, lack of motion of the human operator, i.e., drowsiness) whereas, in the claimed invention, the motion detector comes into play only after the safety condition has been detected and the alarm has been transmitted.

Therefore, considering the above, it is respectfully suggested that the claims, as amended, are neither anticipated by, nor obvious in view of, the cited art, and are therefore allowable over the cited art.

If, upon further search, the Examiner believes that further discussion and/or amendment of the claims may be required to secure an allowance, a telephone call to the undersigned is respectfully requested.

#### **RECORD OF TELEPHONE CONFERENCE WITH THE EXAMINER**

The undersigned thanks the Examiner for the courtesy of the telephone conference on Thursday, February 9, 2006, wherein the above amendments to independent claims 34, 57, 87 and 121 were discussed, and the status of claim 106 was discussed. The Examiner advised that the "Office Action Summary" was correct and that claim 106 had been allowed. After discussing the amendments to independent claims 34, 57, 87 and 121, the Examiner advised that these claims now appeared to be allowable over the art of record at this point but that a further search might be performed. Only independent claims 34, 57, 87 and 121 were discussed with respect to the cited art.

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POWELL, GOLDSTEIN (DTI-17)

NO. 216 P. 24/24

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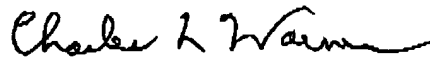
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It is believed that the above is completely responsive to the Office Action and that the claims, as amended, are now in condition for allowance. Should the Examiner have any questions or suggestions which will put this application in condition for allowance, a telephone call to the undersigned attorney is respectfully requested.

Respectfully submitted,

POWELL GOLDSTEIN LLP



Charles L. Warner  
Reg. No. 32,320

One Atlantic Center, 14<sup>th</sup> Floor  
1201 West Peachtree Street, NW  
Atlanta, Georgia 30309-3488

Direct Tel. No.: (404) 572-6718  
Firm Fax: (404) 572-6999  
Email: [cwarner@pogolaw.com](mailto:cwarner@pogolaw.com)

981923